

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IGNACIO REYES DE LOS SANTOS,
BENITO CANTU, ELVIS MARTINEZ,
ANDY VERDIN, BALTAZAR REYES LIBRADO,
and AMADOR CANTU DE LOS SANTOS,

Plaintiffs,

-v-

MARTE CONSTRUCTION, INC.,
ROBERT STAR PLUMBING AND HEATING, CORP.,
O.K. ELECTRICAL SERVICE CORPORATION,
DOVAL PLUMBING AND HEATING CORPORATION,
JOSEPH M. MARTE, and JESUS OLAYA,

Defendants.

18 Civ. 10748 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:


On August 15, 2019, Magistrate Judge Parker granted counsel for corporate defendant Marte Construction, Inc. (“Marte Construction”) and individual defendants Joseph M. Marte and Jesus Olaya leave to withdraw. Dkt. 69. Judge Parker warned Marte Construction that a corporate defendant may not proceed *pro se* and ordered it to obtain new counsel no later than September 16, 2019. *Id.* Marte Construction has failed to obtain successor counsel. On October 17, 2019, Judge Parker granted plaintiffs leave to move for default judgment against Marte Construction and individual defendants Marte and Olaya. Dkt. 71. And on October 21, 2019, plaintiffs obtained a Clerk’s Certificate of Default against corporate defendants Robert Star Plumbing and Heating, Corp., O.K. Electrical Service Corporation, and Doval Plumbing and Heating Corporation. Dkt. 74. On December 20, 2019, plaintiffs moved for an entry of default judgment against all six defendants. Dkt. 77.

On December 23, 2019, the Court scheduled a hearing on plaintiffs' motion for February 14, 2020. Dkt. 81. On January 10, 2020, the Court granted plaintiffs' motion to adjourn the hearing and continued it to April 7, 2020. Dkt. 85. On March 13, 2020, due to the COVID-19 public health emergency, the Court adjourned the hearing *sua sponte* to June 5, 2020 at 2:30 p.m. Dkt. 87. On May 19, 2020, the Court issued an order adjourning the hearing and informing the parties that it intended to resolve the motion on the papers. Dkt. 89. Defendants were given until June 5, 2020 at 2:30 p.m.—the time at which the hearing had previously been scheduled—to file an opposition by email or on the docket. *Id.* On May 20, 2020, plaintiffs filed proof of service of the Court's order. Dkt. 90. Defendants have failed to appear or in any manner object to plaintiffs' motion.

The Court has reviewed plaintiffs' motion for default judgment pursuant to Federal Rule of Civil Procedure 55(b), Dkt. 77, their supporting memorandum of law, Dkt. 78, and the accompanying declaration of Mohammed Gangat, Esq., Dkt. 79, with exhibits. Because proof of service has been filed, defendants have not answered the complaint and the time for answering the complaint has expired, and defendants failed to contest entry of a default judgment by the appointed date and time, the Court enters a default judgment for plaintiffs against all defendants.

The Court, by separate order, will commission an inquest into damages. The Court respectfully directs the Clerk of the Court to terminate the motion pending at docket 77.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: June 9, 2020
New York, New York